

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed November 29, 2007. In that Office Action, Claims 13-17 and 19-25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. In addition, Claims 13-15, 20-23, and 25 were rejected under 35 U.S.C. § 103(a) as obvious in light of U.S. Patent No. 4,776,068 to Smirlock et al. ("*Smirlock*") in view of Japanese Patent Document JP 2-226023 A to Tokyo Shibauba Electric Co. ("*TSE*"). Furthermore, the Examiner indicated that dependent Claims 16, 17, 19, and 24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

In summary, Claims 13-15, 17, and 21 have been amended, Claims 1-12 and 18 were previously cancelled, Claims 16 and 19 have been cancelled, and Claims 26 and 27 have been added. Following this response, Claims 13-15, 17, and 20-27 are pending in the present application.

A. Rejection of Independent Claims 13 and 15 under 35 U.S.C. § 112, second paragraph

Independent Claims 13 and 15 have been rejected under § 112, second paragraph, as being indefinite. In particular, the Examiner has asserted that Claims 13 and 15 recite "a ratio (A/B) ..." and it is unclear as to whether the term "(A/B)" is being claimed or not since the term is enclosed in brackets. In addition, the Examiner has asserted that it is unclear whether the area A and area B recited in Claims 13 and 15 refer to different areas provided in a single surface fastener or whether the areas refer to two different fasteners being compared to each other. Furthermore, the Examiner has asserted that the claims do not include any details of the surface fastener and whether the surface fastener engages the same complementary member when determining the different peeling-off sound Fourier-transformed for the two areas.

With respect to the term "(A/B)", Applicants have amended Claims 13 and 15 to remove the brackets around A/B.

With respect to the Examiner's assertion that it is unclear whether the area A and area B refer to different areas provided in a single surface fastener or whether the areas refer to two different fasteners being compared to each other, Applicants have amended independent Claims 13 and 15 to recite the peeling-off sound associated with area A and area B are produced when the joining faces of the surface fastener (i.e., a single surface fastener) in an engaged state are peeled off. In addition, Applicants respectfully submit that this recitation addresses the Examiner's assertion that the claims do not include any details of the surface fastener and whether the surface fastener engages the same complementary member when determining the different peeling-off sound Fourier-transformed for the two areas.

Accordingly, Applicants respectfully request that the rejection of independent Claims 13 and 15 under § 112, second paragraph, be withdrawn.

B. Rejection of Independent Claim 14 under 35 U.S.C. § 112, second paragraph

In addition, independent Claim 14 has been rejected under § 112, second paragraph, as being indefinite. In particular, the Examiner has asserted that Claim 14 recites "sound spectrum of a peeling-off sound Fourier-transformed in a range of 100 Hz to 15000 Hz is a frequency lower than 3000 Hz," and that this claim does not include any details of the surface fastener and what is the complementary member that is being engaged by the surface fastener when determining the peeling-off sound Fourier-transformed for the two areas.

In response to the rejection, Applicants have amended Claim 14 to recite that the sound spectrum of a peeling-off sound is produced when the joining faces of the surface fastener in an engaged state are peeled off.

Accordingly, Applicants respectfully request that the rejection of independent Claim 14 under § 112, second paragraph, be withdrawn.

C. Rejection of Dependent Claims 16-17 and 19-25 under 35 U.S.C. § 112, second paragraph

Dependent Claims 16-17 and 19-25 have been rejected under § 112, second paragraph, because they depend from independent Claims 13 and 15. As discussed above, Applicants have amended independent Claims 13 and 15 to address the § 112, second paragraph rejections. Accordingly, Applicants respectfully request that the rejection of dependent Claims 16-17 and 19-25 under § 112, second paragraph, be withdrawn.

D. Rejection of Independent Claim 13 under 35 U.S.C. § 103(a)

Independent Claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious in light of *Smirlock* in view of *TSE*. Applicants have amended independent Claim 13 to incorporate the elements of dependent Claim 16, which the Examiner indicated included allowable subject matter, and Applicants have cancelled dependent Claim 16. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent Claim 13.

E. Rejection of Independent Claim 14 under 35 U.S.C. § 103(a)

The Examiner has asserted that independent Claim 14 is obvious under 35 U.S.C. § 103(a) in light of *Smirlock* in view of *TSE*. Applicants have amended independent Claim 14 to incorporate the elements of dependent Claim 16, which the Examiner indicated included allowable subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent Claim 14.

F. Rejection of Independent Claim 15 under 35 U.S.C. § 103(a)

Independent Claim 15 has been rejected under 35 U.S.C. § 103(a) as being obvious in light of *Smirlock* in view of *TSE*. Applicants have amended independent Claim 15 to incorporate the elements of dependent Claim 16, which the Examiner indicated included allowable subject

matter. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent Claim 15.

G. Rejection of Dependent Claims 20-23 and 25 under 35 U.S.C. § 103(a)

Dependent Claim 20 depends from independent Claim 13 and includes all of the recitations thereof. Dependent Claims 21-23 and 25 depend from any one of independent Claims 13 to 15 and include respective recitations thereof. Accordingly, for this reason and for the reasons stated above with respect to independent Claims 13 through 15, dependent Claims 20-23 and 25 are patentable over the prior art.

H. Allowable Subject Matter

The Examiner has indicated that Claims 16, 17, 19, and 24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicants have cancelled dependent Claim 16 and incorporated the elements of dependent Claim 16 into independent Claims 13, 14, and 15. In addition, Applicants have cancelled Claim 19.

I. New Dependent Claims 26 and 27

New dependent Claims 26 and 27 have been added to the application. These claims recite features similar to those recited in dependent Claim 17, wherein dependent Claim 26 depends from independent Claim 14 and dependent Claim 27 depends from independent Claim 15. As noted above, the Examiner has indicated that the subject matter of dependent Claim 17 is allowable. Accordingly, Applicants assert that the subject matter of Claims 26 and 27 is patentable.

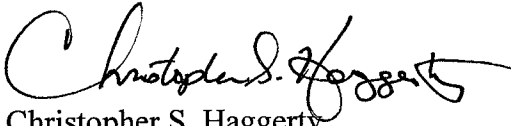
Appl. No.: 10/536,474
Amdt. dated May 28, 2008
Reply to Office Action of November 29, 2007

J. Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed November 29, 2007. The foregoing amendments and remarks are believed to have placed the present application in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicants' undersigned attorney at (404) 881-7640 or e-mail at chris.haggerty@alston.com to resolve any remaining issues to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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